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December 3, 2004

VIA MAIL

Honorable Richard Conway Casey
United States District Court for the
Southern District of New York
500 Pearl Street
Room 1950
New York, NY 10007

USDC SDNY
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Re: *New York Marine and General Insurance Co. v. Al Qaida, et al.*
Case No.: 04-CV-6105
Continental Casualty Co., et al. v. Al Queda Islamic Army, et al.
Case No. 04-CV-5970
Cantor Fitzgerald & Co., et al. v. Akida Bank Private Ltd. et al.,
Case No. 04-CV-07065

Actions consolidated in:

In Re: Terrorist Attacks on September 11, 2001
03 MDL No. 1570 (RCC)

Dear Judge Casey:

The undersigned counsel represent plaintiffs in the above-referenced actions which have been recently consolidated in the multi-district litigation, *In Re: Terrorist Attacks on September 11, 2001*; 03 MDL No. 1570, and are writing to respectfully request an extension of time to serve the defendants named in these actions pursuant to Rule 6(b) of the Federal Rules of Civil Procedure.

These actions were commenced to recover damages resulting from the terrorist attacks of September 11, 2001. The Complaints in these actions each name over 500 defendants which are located all over the world and include foreign nations and its government officials, terrorist organizations, individual terrorists and other individuals, companies and organizations who aided and abetted the terrorists involved in the September 11, 2001 terrorist attacks on the U.S. or otherwise funded or supported them.

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Accordingly, it has been a very difficult process to effectuate service upon each of these defendants within 120 days of the date the Complaints were filed and, despite our best efforts, we have still been unable to make service on all of the defendants.

Specifically, New York Marine And General Insurance Company ("New York Marine") commenced its action, entitled *New York Marine And General Insurance Co. v. Al Qaida, et al.*, Case No. 04-CV-6105, on August 4, 2004. Following the commencement of this action, New York Marine has engaged in a diligent and good faith effort to locate and serve each of the defendants. Several defendants were located and properly served. With respect to the foreign sovereign defendants and other related foreign government defendants, service is to be made under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1602, *et seq.*, which requires, *inter alia*, the translation of documents into Farsi and Arabic. See 28 U.S.C. § 1608 (a)(3). Currently, we are still finalizing our translations of these documents, and therefore, have been unable to complete service of these defendants at this time. As for defendants believed to be in U.S. custody, New York Marine forwarded completed USM-265 forms to the U.S. Marshals Service with copies of the service documents to be served on the defendants. Presently, New York Marine is still awaiting a certification from the U.S. Marshals Service evidencing the service of these defendants. Additionally, many of the defendants named in the New York Marine Action will be served by publication pursuant to the Court's Order dated September 15, 2004 (the "Publication Order"). In this regard, some of the defendants have agreed to waive service of process in exchange for being removed from the publication list. Presently, we are still in the process of finalizing a stipulation between the waiving defendants and the plaintiffs in the MDL 1570.

Similarly, the plaintiffs in the *Continental Casualty Co., et al. v. Al Qaeda Islamic Army, et al.*, Case No. 04-CV-5970 (the "Continental Action"), which was not filed until September 1, 2004 are also still in the process of effectuating service on several defendants who will not be served pursuant to the Publication Order.

Plaintiffs in *Cantor Fitzgerald & Co., et al. v. Akida Bank Private Ltd. et al.*, 04 CV 07065 (RCC) (the "Cantor and Port Authority Action"), which was filed on September 10, 2004, also diligently have pursued service of all defendants in their action. Although the Cantor and Port Authority Action plaintiffs have served a many of the defendants named in their action, plaintiffs continue efforts to effect service on several defendants who will not be served pursuant to the Publication Order. Defendants not yet served in the Cantor and Port Authority Action include defendants located abroad who have been resistant to attempts to serve.

We note that the lead cases consolidated in the MDL 1570: *Kathleen Ashton, et al. v. Al Qaeda Islamic Army, et al.*, Case No. 02-CV-6977 and *Federal Insurance Co., et al. v. Al Qaida, et al.*, Case No. 03-CV-6978, were filed September 4, 2002 and September

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9, 2003, respectively. The plaintiffs in these actions were granted several extensions of time in which to serve their defendants and, in fact, are still in the process of finalizing service of their defendants at this time. Inasmuch as the New York Marine, Continental Casualty and Cantor and Port Authority actions have only recently been filed, we respectfully request that pursuant to Rule 6(b) of the Federal Rules, the Court grant a ninety (90) day extension for the plaintiffs in these actions to finalize service on defendants that are not subject to publication. This is the first request in these actions for any such extension of time.

We thank Your Honor for Your consideration.

Respectfully submitted,

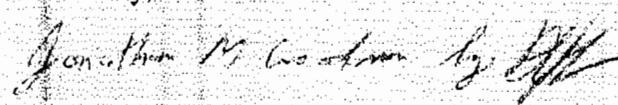
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